



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

IN REPLY REFER TO:

3592

UTU-087809 thru UTU-087818
(UT-932)

SEP 25 2002

CERTIFIED MAIL--Return Receipt Requested

Mr. Greg Foy
Superintendent
Reilly Industries
Reilly Wendover
Wendover, Utah 84401

RECEIVED
SEP 26 2002
DIVISION OF
OIL, GAS AND MINING

Re: Mining Plan for the Federal Potassium Leases UTU-087809 thru UTU-087813

New Due Date: October 7, 2002

BLM issued Reilly Wendover a Notice of Non-Compliance which was received by the company on August 23, 2002. The Notice indicated that a mining plan was to be submitted to BLM 30 days after receipt. On September 23, 2002, BLM received a telephone call from Mr. John Kirkham representing Reilly Wendover. He requested an extension of time for submitting the mining plan that was due in this office on September 23, 2002. The need for the extension was the fact that operational issues have been greater than anticipated and the company was required to devote more attention to these issues than finishing the plan. BLM will grant this request and give a 10 working day extension. The new due date for the mining plan will be on **October 7, 2002.**

Compliance Failure: Failure to comply with this letter will initiate a cessation of operations order being placed on your leases as per 43 CFR 3598.4(a).

Appeal Rights

Following the compliance period, you then have 30 calendar days to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 calendar days following at the end of the compliance period. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that you appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are

filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards;

- (1) The relative harm to the parties if a stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted, and;
- (4) Whether the public interest favors granting the stay.

Sincerely,

/s/ James Kohler

James F. Kohler
Chief, Solid Minerals Branch

cc: Doug Jensen, Utah Division of Oil, Gas and Mining,